

Introduced: 2/5/80
Referred: Resources and
Judiciary

BY THE RESOURCES COMMITTEE
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 391

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the taking and sale of fish without
7 an entry permit or interim-use permit."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10 is amended by adding a new section to read:

10 Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. A licensed
11 fish processor or primary fish buyer may purchase raw fish only from a
12 seller who holds an entry permit or an interim-use permit issued or
13 transferred to the seller in accordance with AS 16.43.

14 * Sec. 2. AS 16.10.294(c) is amended to read:

15 (c) If a licensed fish processor or primary fish buyer fails to
16 fulfill his obligations as set out in AS 16.10.290 or purchases raw fish
17 in violation of AS 16.10.265, his license shall be suspended for a
18 period of time the commissioner determines is appropriate. After three
19 suspensions his license may be permanently revoked.

20 * Sec. 3. AS 16.10.296 is amended to read:

21 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-
22 10.270 - 16.10.296], unless the context otherwise requires,

23 (1) "commissioner" means the commissioner of labor;

24 (2) "fish" means any species of aquatic fin fish, inverte-
25 brates and amphibians, shellfish, or any other raw fishery resource, in
26 any stage of its life cycle, found in or introduced into the state;

27 (3) "fish processor" means a person engaging or attempting to
28 engage in a business for which a license is required under AS 43.75.010
29 43.75.090;

1 (4) "primary fish buyer" means a person, other than a co-
2 operative corporation organized under AS 10.15, engaging or attempting
3 to engage in the business of originally purchasing or buying any raw
4 fishery resource in intrastate, interstate, or foreign commerce.

5 * Sec. 4. AS 16.43.360(a) is amended to read:

6 (a) A person who violates or assists in the violation of a provi-
7 sion of this chapter or a regulation promulgated under this chapter is,
8 upon conviction, guilty of a misdemeanor and is punishable by a fine of
9 not more than \$5,000 for a first conviction, and a fine of not more than
10 \$10,000 for a second or third conviction. Upon a third conviction, the
11 person shall forfeit all interim-use and entry permits held by him and
12 loses eligibility for future issuance or transfer of interim-use or
13 entry permits for a period of three years. Upon a first or second
14 conviction under this section, the court may in its discretion order a
15 forfeiture of interim-use or entry permits held by him as well as a loss
16 of eligibility for future issuance or transfer of interim-use or entry
17 permits or order a suspension of fishing rights under interim-use or
18 entry permits held or to be held by him for a period of not more than
19 three years. This subsection does not apply to violations of AS 16.43.-
20 140(a).

21 * Sec. 5. AS 16.43.360 is amended by adding a new subsection to read:

22 (f) A person who violates the provisions of AS 16.43.140(a), upon
23 conviction, shall forfeit the value of the fish caught by the person in
24 the course of the violation. In addition, the person is subject to the
25 following penalties:

26 (1) a fine of not less than \$1,000 or more than \$5,000 upon
27 the first conviction;

28 (2) a fine of not less than \$5,000 or more than \$10,000 and
29 loss of all fishing privileges in the state, including subsistence,

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sport and commercial fishing privileges, for two years after the date of conviction upon the second conviction;

(3) forfeiture of the vessel and gear used in the violation and imprisonment for a period of not less than three months or more than one year upon each conviction after the second.